

Appl. No. 10/019,179
Atty. Docket No. CM2174M
Amdt. Dated December 10, 2004
Reply to Office Action of September 16, 2004
Customer No. 27752

REMARKS

Claims 21- 46 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-16 have been canceled. Claim 17-20 where previously canceled by a preliminary amendment.

New Claims 21-46 have been added. Applicants contend that support for new Claims 21-46 is found in the original claims and at pages 3, 19, 23 and 24 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

ELECTION/RESTRICTIONS

The present office action states that the September 16, 2004, Restriction Requirement has been made final.

OBJECTIONS

The September 16, 2004, Office Action states that Claims 4 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants canceled Claim 1-16 and substituted new claims 21-46 in place of canceled Claims 1-16.

REJECTION UNDER 35 USC §112 1st PARAGRAPH AND 35 USC § 101

The September 16, 2004, Office Action states that Claim 14 is rejected as such claim is a use claim that does not set forth any steps. Applicants canceled Claim 14 without prejudice. Thus, the aforementioned rejection has been obviated.

REJECTION UNDER 35 USC §102(b) OVER USP 5,378,414

Claims 1-3, 5, 9 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by USP 5,378,414. Applicants canceled such claims. As a result, the rejection of such claims has been obviated.

Applicants contend that the cited art does not teach or suggest all the limitations of new Claims 21-46. Thus, a rejection of new Claims 21-46 is not merited. For example:

- Claim 21, and the claims depending there from, recite that the amine reaction product is recovered;
- Claim 38, and the claims depending there from, recite that the process is carried out in a twin screw extruder or mixing tank;
- Claim 41, and the claims depending there from, recite that the amine reaction product is produced by a process that includes the step of processing said reaction mixture or said amine reaction product with a carrier having a melting point between 30°C and 135 °C to form a particle;
- Claim 43, and the claims depending there from, recite that the amine reaction product is produced by a process that includes the step of processing said reaction mixture or said amine reaction product with a carrier having a melting point of less than 30°C to form a particle; and
- Claim 45, and the claims depending there from, recite that the amine reaction product is produced by a process that includes the step of processing said reaction mixture or said amine reaction product with an acid carrier.

In summary, Applicants contend that such limitations and the other limitations of new Claims 21-46 are not taught or suggested by the cited art.

REJECTION UNDER 35 USC §103(a) OVER USP 5,378,414

Claims 1-3, and 5-10 stand rejected under 35 USC §103(a) as being unpatentable over USP 5,378,414. Applicants canceled such claims. As a result, the rejection of such claims has been obviated.

Applicants contend that the cited art is nonanalogous art as such art is related to processes for forming packaging materials. Furthermore, even if the cited art were analogous art, such art does not teach or suggest, for reasons previously given, all the limitations of new Claims 21-46. Thus, a rejection of new Claims 21-46 is not merited.

REJECTION UNDER 35 USC §103(a) OVER USP 5,009,239

Claims 1-3, 5, 9, 10, 15 and 16 stand rejected under 35 USC §103(a) as being unpatentable over USP 5,009,239.

Applicants canceled such claims. As a result, the rejection of such claims has been obviated.

Appl. No. 10/019,179
Atty. Docket No. CM2174M
Amdt. Dated December 10, 2004
Reply to Office Action of September 16, 2004
Customer No. 27752

Applicants contend that the cited art is nonanalogous art as such art is related to processes for the selective delivery and retention of aldehyde and nicotine by-products from cigarette smoke. Furthermore, even if the cited art were analogous art, such art does not teach or suggest, for reasons previously given, all the limitations of new Claims 21-46. Thus, a rejection of new Claims 21-46 is not merited.

CONCLUSION

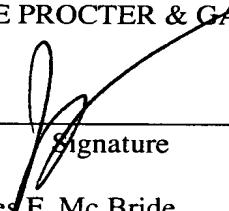
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C §112, § 101, § 102 and § 103. Early and favorable action in the case is respectfully requested.

In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 21-46 is respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By _____


Signature

James F. McBride
Registration No. 43,784
(513) 627-0079

Date: December 10, 2004
Customer No. 27752